

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 12

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-5-47.6001 N; 97-24-34.4433 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

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**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 13

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-5-59.0128 N; 97-24-37.9389 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 14

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-6- 0.6796 N; 97-24-41.5783 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 15

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** 8 July 2005  
At the project site N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:** Texas  
**County:** San Patricio  
**Center coordinates of site by latitude & longitudinal coordinates:** 28-6- 2.3251 N; 97-24-43.3860 W  
**Approximate size of site/property (including uplands & in acres):** 920 Acres  
**Name of waterway or watershed:** Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 16

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-6- 3.9707 N; 97-24-45.1938 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 17

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-7-18.4510 N; 97-26-45.0322 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	X								
<u>Depression from construction</u>									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

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**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 18

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-7-25.1144 N; 97-26-59.5952 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	X								
Depression from construction									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 19

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-7-30.0910 N; 97-27- 8.6857 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.



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**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 20

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** 8 July 2005  
At the project site N (Y/N)

**PROJECT LOCATION INFORMATION:**

State: Texas  
 County: San Patricio  
 Center coordinates of site by latitude & longitudinal coordinates: 28-7-31.8806 N; 97-27-23.3194 W  
 Approximate size of site/property (including uplands & in acres): 920 Acres  
 Name of waterway or watershed: Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: I-5127

REGULATORY PROJECT MANAGER: Hoth

Date: 14 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: Y(Y/N)

Date: 4 August 2005

PROJECT LOCATION INFORMATION:

State:

TX

County:

Fort Bend

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 23' 41"N, 95° 43' 02"W

Approximate Size of Site/Property (Including Uplands & in Acres)

400

Name of Waterway or Watershed

Lower Brazos

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands							X		
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17496

REGULATORY PROJECT MANAGER: Hoth

Date: 14 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: Y(Y/N)

Date: 4 August 2005

PROJECT LOCATION INFORMATION:

State:

TX

County:

Fort Bend

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 23' 41"N, 95° 43' 02"W

Approximate Size of Site/Property (Including Uplands & in Acres)

400

Name of Waterway or Watershed

Lower Brazos

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands							X		
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16082

REGULATORY PROJECT MANAGER: Hoth

Date: 18 May 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: Y(Y/N)

Date: 18 August 2004

PROJECT LOCATION INFORMATION:

State:  
County:  
Center Coordinates of Site by Latitude & Longitude Coordinates  
Approximate Size of Site/Property (Including Uplands & in Acres)  
Name of Waterway or Watershed

TX  
Fort Bend  
29° 45' 37"N, 95° 51' 31"W  
400  
Buffalo-San Jacinto

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands						X			
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY or APPROVED X  
ADDITIONAL INFORMATION SUPPORTING NJD: Some of the wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, these wetlands are isolated with no known nexus to interstate commerce.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16325

REGULATORY PROJECT MANAGER: Jaynes, Kenny

Date: 3-Jun-05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office        (Y/N)  
 At the Project Site        (Y/N)

Date: 3-Jun-05

Date: 11-May-05

**PROJECT LOCATION INFORMATION:**

State:

County:

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

Name of Waterway or Watershed:

Texas

Jefferson

30° 06' 06" N, 94° 10' 22" W 1/4027

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									x
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
upland drainage ditch									x

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					x
Is or would be used as habitat by other migratory birds that cross state lines?					x
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					x

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary        or Approved X

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17138

REGULATORY PROJECT MANAGER: Hoth

Date: 9 June 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: N(Y/N)

Date: 9 June 2005

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates

Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

TX

Fort Bend

29° 40' 53"N, 95° 43' 43"W

30

Unknown

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY ☐ or APPROVED ☒

ADDITIONAL INFORMATION SUPPORTING NJD: The project site is outside the 100-year flood plain of a water of the United States and the wetlands on the site do not have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

Working or discharging dredged or fill material within the project site is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act and will not require a Department of the Army permit.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: \_\_\_\_\_ Galveston (SWG) \_\_\_\_\_  
 FILE NUMBER: \_\_\_\_\_ D-17448 \_\_\_\_\_

REGULATORY PROJECT MANAGER: \_\_\_\_\_ Reagan Richter \_\_\_\_\_ Date: 07 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 07/07/2005  
 At the project site? Y Date: 07/07/2005

PROJECT LOCATION INFORMATION:  
 State: \_\_\_\_\_ Texas \_\_\_\_\_  
 County: \_\_\_\_\_ Nueces \_\_\_\_\_  
 Center coordinates of site by latitude & longitudinal coordinates: (NAD 27) N27.64564 W97.31139  
 Approximate size of site/property (including uplands & in acres): 95.0 acres  
 Name of waterway or watershed: \_\_\_\_\_ Laguna Madre \_\_\_\_\_

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands				X					
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or Approved X.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD:**

Some wetlands on the subject property are connected to waters of the United States through non-tidal drainage ditches that were excavated through uplands. According to the preamble to 33CFR parts 320 through 330, on page 41217, *Section 328.3: Definitions*, "Non-tidal drainage and irrigation ditches excavated on dry land" are not considered to be waters of the United States. However, the USACE reserves the right on a case-by-case basis to determine that a particular water body within that category (non-tidal drainage ditch excavated from uplands) is a water of the United States. The USACE is unable to establish a historical natural connection to waters of the US or establish other grounds to exert jurisdiction over the wetlands on the property.

The USACE reviewed aerial photographs from 1950, 1961, 1969, 1979, 1989, 1990, 1995, 2002, and 2004, USGS 7.5 minute quadrangles and NWI maps of Oso Creek NE, TX, FEMA/FIRM maps, and conducted a site visit to make this determination of no jurisdiction.



**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 21

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-7-33.5256 N; 97-27-25.1283 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 22

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 8 July 2005

**At the project site** N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:**

28-7-33.5462 N; 97-27-26.9604 W

**Approximate size of site/property (including uplands & in acres):**

920 Acres

**Name of waterway or watershed:**

Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 23

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** 8 July 2005  
At the project site N (Y/N)

**PROJECT LOCATION INFORMATION:**

State: Texas  
 County: San Patricio  
 Center coordinates of site by latitude & longitudinal coordinates: 28-7-35.2118 N; 97-27-30.6015 W  
 Approximate size of site/property (including uplands & in acres): 920 Acres  
 Name of waterway or watershed: Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16914 – Site 24

**REGULATORY PROJECT MANAGER:** Mark Pattillo

**Date:** 8 July 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** 8 July 2005  
At the project site N (Y/N)

**PROJECT LOCATION INFORMATION:**

**State:** Texas  
**County:** San Patricio  
**Center coordinates of site by latitude & longitudinal coordinates:** 28-7-38.5017 N; 97-27-34.2193 W  
**Approximate size of site/property (including uplands & in acres):** 920 Acres  
**Name of waterway or watershed:** Aransas River watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or    Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG-PE-RE  
 FILE NUMBER: 23873

REGULATORY PROJECT MANAGER: T. Cheryl Jaynes Date: 28 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office    (Y/N) Date: Y (See attached)  
 At the project site    (Y/N) Date:                     

**PROJECT LOCATION INFORMATION:**

State: Texas  
 County: Brazoria  
 Center coordinates of site by latitude & longitudinal coordinates: 29° 32; 35"N; -95° 19' 38"W  
 Approximate size of site/property (including uplands & in acres): 113 Acres  
 Name of waterway or watershed: West Galveston Bay

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	1								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Covers Project area for 23873

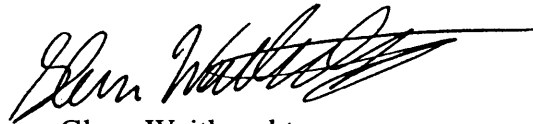
CESWG-PE-RC (1145)

29 March 2005

MEMORANDUM FOR THE FILE

Subject: D-16674; Jurisdictional Delineation Verification, Proposed West Marys Creek  
113 Acre Detention Facility, City of Pearland, Brazoria County, Texas

1. The total project site is 113.60 acres. Located within the project boundaries are three isolated wetlands totaling 0.10 acre. None of these wetlands extend off of the subject tract. The proposed project is to excavate the site to create a storm water detention basin. A Department of the Army Permit Application is currently being reviewed under SWG-05-43-003 for this project.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system that leads to a navigable water of the United States.
3. There are 1.03 acres of adjacent wetlands and headwaters of Marys Creek located within the on the subject tract.



Glenn Weitknecht  
Regulatory Specialist

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17342

REGULATORY PROJECT MANAGER: John Davidson

Date: 29 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: Y(Y/N)

Date: 12 July 2005

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Orange

Center Coordinates of Site by Latitude & Longitude Coordinates

30-14-23.1267 N; 94-0-11.9943 W

Approximate Size of Site/Property (Including Uplands & in Acres)

27 acres

Name of Waterway or Watershed

Neches River Watershed

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce		X			

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED X  
ADDITIONAL INFORMATION SUPPORTING NJD: There is no hydrologic surface connections between the wetlands and a water of the United States. Therefore, the wetlands are isolated and have no known nexus to interstate commerce. The wetlands are not waters of the United States and are not subject to Section 404 of the Clean Water Act.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: SWG  
 FILE NUMBER: D-15393

REGULATORY PROJECT MANAGER: Andrew Williams Date: 11 August 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date: \_\_\_\_\_  
 At the project site Y (Y/N) Date: 20 February 2004

**PROJECT LOCATION INFORMATION:**

State: Texas  
 County: Galveston  
 Center coordinates of site by latitude & longitudinal coordinates: 29 29 18 N, 95 03 14 W (NAD27)  
 Approximate size of site/property (including uplands & in acres): 57 acres  
 Name of waterway or watershed: Unnamed Tributary to Gum Bayou

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary    Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):



D-15393

Determination of No Jurisdiction

Additional Information Supporting NJD

1. There are approximately 8 isolated wetlands located within the project boundary. The total isolated wetland acreage is approximately 1.8 acres and all of the isolated wetlands are contained completely within the project boundary.
2. These 8 isolated wetlands are located completely outside of the 100-year floodzone. Based on the desk review and site visit, there were no obvious surface hydrological connections from them to any water of the United States.
3. There is a total of 15.06 acres of waters of the United States located within the project boundary. There are 0.56 acre of open water (unnamed tributary to Gum Bayou) and 14.5 acres of wetlands contiguous with the unnamed tributary to Gum Bayou located on the site. This is an approved jurisdictional determination.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**  
**FILE NUMBER:**

Galveston  
D-17115

**REGULATORY PROJECT MANAGER:**

Marie Pattillo

**Date:** 15 August 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

In the office Y (Y/N) **Date:** 15 August 2005  
 At the project site    (Y/N) **Date:**                     

**PROJECT LOCATION INFORMATION:**

State:

Texas

County:

Bee

Center coordinates of site by latitude & longitudinal coordinates:

28-25-22.03 97-45-8.38

Approximate size of site/property (including uplands & in acres):

28 acres

Name of waterway or watershed:

Salt Creek/Talpacate Creek

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		XXXX							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary    Or Approved X.

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The tract is located above the 100-year floodplain and no obvious surface hydrologic connections appear to exist between the wetlands and Talpacate Creek or its branch creek, Salt Creek. Wetlands present on the tract are isolated with no known nexus to interstate commerce, are not waters of the U.S. or subject to Section 404 of the Clean Water Act.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D-17301

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 8/15/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office YES (Y/N)  
 At the Project Site \_\_\_\_\_ (Y/N)

Date: \_\_\_\_\_

Date: 8/15/2005

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
 Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
 Name of Waterway or Watershed: \_\_\_\_\_

Texas  
 Montgomery  
 30° 08' 01"N, 95° 13' 36"W  
 26.2  
 White Oak

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond				XXXXXX					
Other Water (Identify Type)									
Drainage Ditch/Fish ponds									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXXX
Is or would be used as habitat for endangered species?					XXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ or Approved XXXXXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Pond is isolated with no nexus to interstate commerce

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17435

REGULATORY PROJECT MANAGER: Hudson

Date: 29 August 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: Y(Y/N)

Date: 18 August 2005

Date: 17 August 2005

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates

Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

Texas

Harris

29° 53' 21"N, 95° 41' 42"W

189.9

Addicks Reservoir

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED X  
ADDITIONAL INFORMATION SUPPORTING NJD: Wetlands were located outside of the 100-year floodplain with no known direct hydrological surface connection and no known nexus to interstate commerce

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG

FILE NUMBER: I-4990

REGULATORY PROJECT MANAGER: Weitkencht

Date: 26-Aug-05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office \_\_\_\_\_ (Y/N)  
 At the Project Site \_\_\_\_\_ Yes

Date: \_\_\_\_\_  
 Date: 18-Aug-04

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
 Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
 Name of Waterway or Watershed: \_\_\_\_\_

Texas  
Fort Bend  
29 33' 29" N, 95 34' 39" W  
8.5 acres  
Lower Brazos Water Shed

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary X or Approved \_\_\_\_\_


OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

13 May 2005

MEMORANDUM FOR THE FILE

Subject: I-4990; Alleged Unauthorized Discharge of Fill Material, End of Heritage Colony Boulevard, City of Missouri City, Fort Bend County, Texas

1. The project site is  $\approx$ 8.5 acres. There is an area that appears to meet the hydrophytic vegetation, wetland soils, and wetland hydrology criteria of the Corps of Engineers 1987 Wetland Delineation Manual. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
3. No waters of the U.S. are present on the subject tract.



Glenn Weitknecht  
Regulatory Specialist

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17680

REGULATORY PROJECT MANAGER: Jaynes, Kenny

PROJECT REVIEW/DETERMINATION COMPLETED: In the office        (Y/N)  
 At the Project Site        (Y/N)

Date: 9/2/2005

Date: 9/2/2005

Date:       

**PROJECT LOCATION INFORMATION:**

State:

County:

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

Name of Waterway or Watershed:

Texas

Jefferson

30 06 05N 94 10 35W, 30 06 14N 94 10 36W

Hillbrandt

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									XXXXX
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					x
Is or would be used as habitat by other migratory birds that cross state lines?					x
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					x

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary        or Approved XX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):  
 The site is isolated with no known nexus to interstate commerce NOR surface tributary systems.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE:  
 FILE NUMBER:

\_\_\_\_\_  
 CESWG  
 \_\_\_\_\_  
 D-17681  
 \_\_\_\_\_

REGULATORY PROJECT MANAGER:

\_\_\_\_\_  
 Ryan Fordyce  
 \_\_\_\_\_

Date: 9/8/05

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N) Date: 9/8/05

At the project site    (Y/N) Date: \_\_\_\_\_

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

Harris

Center coordinates of site by latitude & longitudinal coordinates:

29° 41' 11"N, 95° 02' 22"W

Approximate size of site/property (including uplands & in acres):

0.04

Name of waterway or watershed:

North Galveston Bay Watershed

SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.04								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary X Or Approved   

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Out of 100 year flood plain, surrounded by highways and railroad development, no hydrologic connection to a navigable waterway.



INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-14871/(02)

REGULATORY PROJECT MANAGER: Hoth

Date: 17 September 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: Y(Y/N)

Date: 22 August 2005

PROJECT LOCATION INFORMATION:

State:  
County:  
Center Coordinates of Site by Latitude & Longitude Coordinates  
Approximate Size of Site/Property (Including Uplands & in Acres)  
Name of Waterway or Watershed

TX  
Galveston  
29° 29' 41"N, 95° 03' 23"W  
208  
West Galveston Bay

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat					X				
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED X  
ADDITIONAL INFORMATION SUPPORTING NJD: Some of the wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, these wetlands are isolated with no known nexus to interstate commerce.

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17410

REGULATORY PROJECT MANAGER: Hudson

Date: 19 September 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: Y(Y/N)

Date: 15 September 2005

Date: 14 September 2005

PROJECT LOCATION INFORMATION:

State:  
County:  
Center Coordinates of Site by Latitude & Longitude Coordinates  
Approximate Size of Site/Property (Including Uplands & in Acres)  
Name of Waterway or Watershed

Texas  
Montgomery  
30 12'40"N 95 27'57"W  
23 Acres  
Carters Slough

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED X  
ADDITIONAL INFORMATION SUPPORTING NJD: Wetlands located outside of 100-year floodplain with no direct hydrological surface connection and no known nexus to interstate commerce.